

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

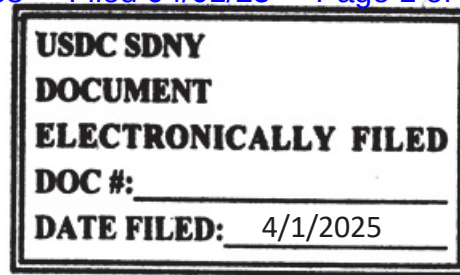
Prompt Apparel LA, Inc.,

Plaintiff,

-against-

Chic Home Design LLC et al.,

Defendants.



1:24-cv-00279 (SDA)

ORDER

STEWART D. AARON, United States Magistrate Judge:

Following a final pre-trial conference with the parties, during which the Court heard argument on the pending motions *in limine*, and for the reasons stated on the record, it is hereby Ordered as follows:

1. Defendants' motion *in limine* (ECF No. 80) is DENIED AS MOOT IN PART and DENIED IN PART. Defendant's motion to preclude Plaintiff from calling David Eizekowitz as a witness is denied as moot based on Plaintiff's representation that it only intends to call Mr. Eizekowitz as a rebuttal witness. Defendant's motion to suppress statements, testimony and evidence regarding payments made by YX1 Logistics LLC to Plaintiff is denied, except that, prior to trial, Defendant may take a one-hour deposition of Plaintiff, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, with respect to the payments at issue.
2. Plaintiff's motion *in limine* to preclude Defendant Chic Home Design LLC ("Chic") from introducing "documentary evidence or testimony at trial concerning its claimed amount or theory of damages that Chic failed to produce in discovery" (ECF No. 81) is

DENIED based on Chic's representation that it only is seeking damages based on the value of the inventory.

3. Plaintiff's motion *in limine* to preclude Chic from calling at trial either Elizabeth Juarez and Gary Herwitz on the basis they were not disclosed on Chic's (or Plaintiff's) Rule 26(a) Initial Disclosures (ECF No. 82) is GRANTED IN PART and DENIED IN PART. The motion is granted with respect to Ms. Juarez, who the parties agree cannot be compelled to testify at trial. The motion is denied with respect to Mr. Herwitz, except that Plaintiff may, prior to trial, take a deposition of Mr. Herwitz not to exceed one hour.
4. The parties shall file any motion regarding disputes with respect to demonstrative exhibits at trial no later than Friday, April 4, 2025.

SO ORDERED.

Dated: New York, New York
April 1, 2025



STEWART D. AARON
United States Magistrate Judge